

## **REMARKS**

Claims 1-7 are now pending in the application. Claim 1 has been currently amended. Pending claims 1-7 stand rejected under 35 U.S.C. §102 (e). The forgoing amendments and following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

### **I. Claim Objections**

The Examiner has objected to claim 1 because the phrase “a phase difference of n wavelength to ... n is equal to 1, 2, 3 ...” is unclear and confusing. The Examiner suggests this phrase be amended.

To expedite prosecution of the application, Applicants have amended claim 1 as Examiner suggests by replace the phrase “a phase difference of n wavelength to ... n is equal to 1, 2, 3 ...”. Thus, Applicant respectfully request reconsideration and withdrawal of this objection.

### **II. Rejection Of Pending Claims 1-7 Under 35 U.S.C. § 102 (e)**

Claims 1-7 stand as rejected under 35 U.S.C. § 102 (e) as being anticipated over Kato et al., U.S. Patent No. 6,185,168, issued February 6, 2001 (“Kato”). Applicants respectfully traverse this rejection.

#### **A. Relevant Law**

"A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference." *Bristol-Myers Squibb v. Ben Venue*, 246 F.3d 1368, 1374 (Fed. Cir. 2001). Identity of invention requires that a prior reference disclose to one of ordinary skill in the art all elements and limitations of the patent claim. *Scripps Clinic v. Genentech*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). Absence from the reference of any claimed element negates anticipation. *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81 (Fed. Cir. 1986).

**B. Summary of Cited References**

Kato teaches an optical head device comprising a primary beam having a peak intensity at the center thereof and a subsidiary beam having peak intensities at least on both sides of the center thereof, where both are incoherently superimposed upon each other and focused onto the information storage surface and the light beam reflected from the information storage surface is separated into the primary beam and the subsidiary beam such that the light intensities thereof are differentially detected.

**C. Argument**

Currently amended claim 1 claims a beam-guiding optical device in an optical head device to bring beams of different wavelengths which are emitted by separate light sources together onto the same optical axis or to guide said beams onto a common photo receiving device. The beam-guiding optical device comprises an incident plane; and an exit plane, the incident plane and exit plane being back to back wherein one of the incident plane and the exit plane has a stair-like surface; wherein a step height between neighboring treads in said stair-like surface is set to cause a phase difference corresponding to "n" wavelengths to one of said beams when the one of the beams passes through said neighboring treads so as not to change the traveling direction. In other words, the beam-guiding optical device of the present invention is used with respect to the light beams with different wavelengths for matching the same optical axis or for guiding the light beams onto a common photo receiving device. One of the incident plane and the exit plane of the beam-guiding optical device has a stair-like surface where the step height is set to cause the phase difference corresponding to "n" wavelengths to one of said beams when one of the beams passes through the neighboring treads without changing the traveling direction and the other of said beams is deflected, the light beams with different wavelengths are matched on the same optical axis or guided to the common photo receiving device.

Kato does not disclose the beam-guiding optical device of the present invention. The Examiner cites that the beam-guiding optical device is shown as plate 104 in Fig. 1-3 or

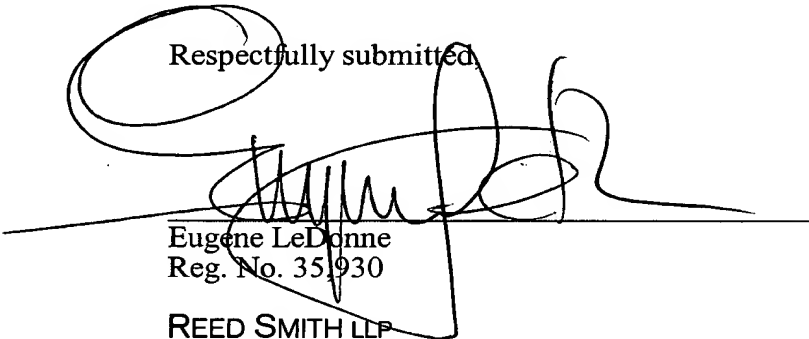
11(b)-11(e) in Kato. However, plate 104 is not used with respect to the light beams with different wavelengths for matching the same optical axis or for guiding the light beams onto a common photo receiving device. The polarizing phase plate 104 of Kato divides the light beam emitted from a coherent light source into a primary beam and a subsidiary beam. See Col. 11-12, lines 65-67 and 1-5, respectively. This is unlike the present invention where the beam-guiding optical device which guides the first and second light beam onto a common photo receiving device. See Specification on page 12, lines 11-15. Also, Kato does not disclose a beam-guiding optical device that includes an incident plane; and an exit plane, the incident plane and exit plane being back to back where one of the incident plane and the exit plane has a stair-like surface; wherein a step height between neighboring treads in said stair-like surface is set to cause a phase difference corresponding to "n" wavelengths to one of said beams when the one of the beams passes through said neighboring treads so as not to change the traveling direction. Further, Fig. 4 in Kato does not disclose the construction of the beam-guiding device of the present invention.

Kato fails to teach or disclose each and every limitation of independent claim 1. To the extent that the Examiner finds each and every limitation of claim 1 in Kato, it nonetheless is insufficient for it does not contain an enabling disclosure. Therefore, Kato does not anticipate claim 1. Claims 2-7, by virtue of their dependency from claim 1, are similarly considered by Applicants to patentably define themselves and are novel over Kato. For these reasons, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 (e) are respectfully requested.

**VI. Conclusion**

For the reasons presented above, claims 1-7, all the claims pending in the application, are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted



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